



Indiana Judicial Nominating Commission
30 South Meridian Street
Suite 500
Indianapolis, IN 46204
(317) 232-4706

APPLICATION
FOR THE
INDIANA SUPREME COURT

(SEE INSTRUCTIONS)
Deadline – Wednesday, June 30, 2010

I. Provide your:

A. Full legal name and any former names.

Robert Allen Spahr

B. Current home and office addresses, including email addresses and telephone numbers.

Home

Miami County Courthouse - Work

25 North Broadway

Peru, IN 46970

Cell phone:

Work phone: 765/472-3901 ext. 235 (Court Administrator)

Email address:

C. Date and place of birth.

June 7, 1946 at Indianapolis, Indiana

D. Complete a State Police release form printed on green paper. Include the release only with the original application and not with the copies.

ATTACHED to original application only

- II. Attach a recent photograph of you to the front of the original application and to each copy of your application.

ATTACHED to the front of the Application

- III. A. State in what county you currently reside and since what date.

I currently reside in Miami County, IN and have so resided since 1979.

- B. List all previous counties of residence, with dates.

Prior counties of residence: Benton County, IN 1974 - 1979

Marion County, IN 1971 - 1974

Various army assignments in MO, OK, in Vietnam and KY 1968 - 1971

Marion County, IN 1946 - 1968

- C. When were you admitted to the Indiana Bar?

I was admitted to the practice of law in Indiana in 1974.

- D. Are you currently on active status?

I am currently on active status.

- E. What is your attorney number?

My attorney number is 429-52.

- IV. A. List below all colleges and universities you attended other than law schools. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree or Certificate</u>
Indiana University – Bloomington	1964 – 1968	B.A. History

- B. List below all law schools and post-J.D. programs attended. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree and Class Rank</u>
Indianapolis Law School	1971 – 1974	J.D. Class Rank UNK

C. Describe any academic honors, awards, and scholarships you received and when.

I received no academic honors, awards, and scholarships; however, I did succeed in graduating from law school in 2-1/2 years while working part-time and supporting my wife and first born son.

V. A. Provide your employment history since graduation from college, including titles or positions, locations, and dates.

After completing my undergraduate college education in 1968, I enlisted in the United States Army and served on active duty from September 1968 to June 1971. After leaving active duty, I worked for Carrier Corporation in Indianapolis, IN as a steelworker union member from June through August 1971 and then entered law school. I had worked for the same corporation from June to September 1968 before entering the military. In both stints at Carrier Corporation, I was an hourly employee on the assembly line. While in the military I completed Officer Candidate School and eventually left active duty honorably as a First Lieutenant.

B. If applicable, describe the nature and extent of your practice of law, present and former, and provide the names of your partners, associates, office mates, and employers.

After graduating law school I passed the bar examination and immediately took employment with Attorney Karl M. Jacobs in the town of Fowler, Benton County, IN as an associate in 1974. Several years later Attorney Jacobs and I formed a partnership known as Jacobs & Spahr. I left the partnership in June 1979 to move my family from Fowler, IN to Peru, IN. I immediately opened a sole practice and remained a sole practitioner in Peru, IN until December 28, 2007 when I closed my law practice in preparation for being sworn in as a circuit court judge in Miami County, IN on January 1, 2008. I never took in any associates in my law firm. I always maintained an independent law firm.

C. Describe the extent of your jury experience, if any.

I tried civil and criminal jury trials as both plaintiff and defense counsel. I represented the Miami County Office of the Department of Child Services for 19 years, served as a Miami County Deputy Prosecutor under Prosecutor Wilbur L. Siders and as a misdemeanor public defender for several years before going on the circuit court bench.

D. If applicable, describe the nature and extent of your judicial experience, including a description of your experience presiding over jury trials, if any.

I have served as a circuit court judge from January 1, 2008 to the present. I preside at jury and bench trials in civil and criminal lawsuits.

- VI. A. If applicable, list by caption, case number, and filing date up to five of your trial or appellate briefs and/or written judicial opinions.

During the years as a sole practitioner, I authored appellee briefs for the Miami County Department of Public Welfare a/k/a Miami County Division of Family and Children a/k/a Miami County Department of Child Services that later resulted in published opinions. My hard copies of the appellee briefs along with the confidential files were destroyed when I ceased to serve as attorney for the DCS. The documents are stored in Microsoft Works format on my office computer's hard drive, and I have printed copies of four Appellee Briefs from CHINS proceedings to include with these responses, to-wit:

The Matter of Callie Walters, 52A02-9910-JV-696, Filed 12/1999;

The Matter of the 2 Harris Children, 52A02-9910-JV-736, Filed 3/2000;

The Matter of the Termination of the Parent-Child Relationship of 5 McElheny Children and the parents, Robert and Vickie McElheny, 52A05-0001-JV-28; Filed 9/2001; and

The Matter of the Involuntary Termination of the Parent-Child Relationship of N.S.; 52A02-0205-JV-00355, Filed 11/8/2002 and transfer sought to the Indiana Supreme Court in 3/2003.

- B. If applicable, list up to five legislative drafts or court rules you have written or to which you contributed significantly. Refer to them by official citation, by date, and by subject matter.

I have not authored any legislative drafts. I have reviewed and updated a single local court rule while as a judge.

- C. If applicable, list up to five of your contributions to legal journals or other legal publications. Provide titles, official citations, and a brief description of the subject matter.

I have not contributed to any legal journals or other legal publications.

- D. Include with your application copies of any four of the written materials listed above in Section VI. A., B., and C.

ATTACHED are four of my Appellee Briefs.

E. Describe the nature and extent of any *pro bono* legal services you have contributed.

Like any other small town sole practitioner, I provided true *pro bono* legal services on an irregular basis and generally at the request of a local judge. Many clients failed to pay me in full for my services; however, those instances were not originally undertaken in the spirit of *pro bono publico*.

F. Identify the five most significant legal matters entrusted to you whether as a judge or lawyer, and describe why you believe them to be so.

The five most significant legal matters entrusted to me as a lawyer and judge are as follows:

- 1. As an attorney I represented numerous personal representatives and served as a personal representative for numerous simple and complex local estates. Entrusted by the late testator or testatrix with the duty of guiding the estate through all stages of a probate proceeding, I performed my many services reasonably and expeditiously.**
- 2. As an attorney having primary responsibility to represent the interests of the county welfare office in child protection matters, for 19 years I faithfully performed reasonable efforts to protect the innocent from neglect and abuse by family members and other caregivers. I continue to serve as the principal judge on CHINS cases.**
- 3. As a deputy prosecutor I faithfully represented the state of Indiana in the prosecution of a range of felony criminal matters from child molestation and serious batteries to the adjudication and rehabilitation of delinquent children.**
- 4. As a public defender I faithfully represented my assigned criminal defendants, and my aggressive representation of one misdemeanor defendant in *Hammon v. Indiana* led to a significant decision by the Supreme Court of the United States in 2006 reversing the defendant's conviction for domestic battery. The companion decision was *Davis v. Washington*. The decision represented a re-examination of the confrontation clause of the Constitutions of the United States and the state of Indiana and the exclusion of certain evidence like a domestic battery affidavit as being testimonial and not investigational in the absence of the affiant at trial, resulting in a denial of the defendant's constitutional right to confront witnesses against him.**
- 5. As private citizens my wife and I invited other residents of Miami County to visit my home to collectively express our love for our country and to ratify traditional values like law and order, our nation's flag, the Constitution of the United States and strength of family through faith. From that invitation interest in the Miami County Tea Party grew and became manifest. I hold no office in the organization and attend as a spectator some of its activities. I am proud that this**

grass roots expression of liberty, with its stated respect for and belief in this country's history and laws and its foundational documents, resulted from a simple invitation to the community.

G. Provide the names, addresses, and telephone numbers of three attorneys who have been your professional adversaries in your practice or who have litigated substantial cases in your court and who would be in positions to comment on your qualifications for appointment to the Indiana Supreme Court.

The names, addresses and telephone numbers of three attorneys who have been my professional adversaries are as follows:

1. **Eric D. Huneryager**
Miami County Prosecutor
Miami County Courthouse
25 North Broadway
Peru, IN 46970
Telephone: 765-472-3901 ext. 280
2. **Brent A. Davis**
Miami County Deputy Prosecutor
Miami County Courthouse
25 North Broadway
Peru, IN 46970
Telephone: 765-472-3901 ext. 260
3. **Bryan J. Michaud**
Attorney at Law
25 Court Street
Peru, IN 46970
Telephone: 765-473-8373

VII. A. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) toward the improvement of the law, the legal system, or the administration of justice.

Aside from my efforts daily for over thirty years to demonstrate ethical and professional conduct as an attorney and now as a circuit court judge, I have been a guest columnist for the *Peru Tribune*, a daily newspaper serving Miami County generally and the City of Peru in particular. I have submitted for publication numerous letters to the editor from 1994 to 2009 on a plethora of national topics. I speak frequently at schools and in various civic forums about law and order and the operation of the county's circuit and superior courts, family relations law, the local CASA program and the effect of CHINS proceedings in child protection matters. I participated in the Lincoln Day event in 2009 as a speaker for Maconaquah school corporation students.

B. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) concerning civic, political, or social issues.

See my response to VII A.

C. List any memberships and offices you have held in civic or charitable organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

I recently joined the Peru Rotary Club (2008) and directed questions to political speakers. Since 1980, I have been an active member of the Miami County Historical Society, Inc. and financially supportive of the Miami County Museum. I have only run for elective office one time and that effort occurred in 2008 when I ran as a Republican for the judgeship of the Miami Circuit Court. Governor Mitchell Daniels appointed me to a one-year term as judge of that court in January 2008, and I ran in the 2008 election. I had no opposition in either the primary or general election. I hold no elective office in the Historical Society; however, I have served twice as president of the organization as recently as 2007. I resigned as president before going on the bench in January 2008. I have been a member of the Indiana State Bar Association from 1974 to the present. I am a member of the Miami County Republican Party. I am a member of the Main Street United Methodist Church.

D. List any memberships and offices you have held in professional organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

I hold no office in any law-related professional organization. I am a member of the Indiana State Bar Association and the Indiana Judges Association. I am a member of the Miami County Bar Association. I hold no office in the Peru Rotary Club. See my response to question VII C above.

E. List any memberships you hold in social clubs or organizations. If any restrict its membership on the basis of race, sex, religion, or national origin, please describe your efforts within the organization to eliminate restrictions.

I have no memberships in any social clubs. I am an attendee of a literary critique club that has no officers or membership dues. Meetings occur on the third Monday of each month in the STAR Building at the Indiana Wesleyan University complex at Marion, IN. I began attending the meetings in 2009. Attendees discuss their authorship activities and give the other attendees encouragement and suggestions in the form of criticism in their never ending efforts to be accepted for publication. No restrictions are placed on attendees based on race, gender, religion or national origin; hence I have no need to raise issues about non-existent restrictions.

F. Indicate your experience teaching law, and provide the dates, names of institutions or programs, and a description of the subject matter taught.

I have not taught law except as an invited speaker on specified topics chosen by the educator. I have spoken at Peru Junior High School, Peru High School, Maconaquah High School, Maconaquah Junior High School and North Miami High School. I have spoken at various venues on zoning law, criminal law, domestic relations law, the Magna Carta and constitutional law, and CHINS law. My teaching activities have been annually and sporadically from 1979 to the present.

G. Describe your hobbies and other leisure activities.

I am an acute observer of nature, and I write fantasy adventure. I have authored four books in a series entitled – *The Adventures of Torto*. The four works are subtitled as follows: *Allegiance Pledged*, *Conceived in Liberty*, *For Heroes Proved* and *Honor to the Brave*. On June 1, 2010, I began writing my fifth book, a stand alone fantasy adventure book that predates the tales in the other four books. The new book is entitled *Alabaster City Flawed – The Memoirs of Sir George William Europea*. I am recording my books with Indiana Voices at the Indiana State Library. My wife and I own a vacation home off the water in a small community known as Elk Rapids, MI, and we own a recreational powerboat. I read voraciously and am interested in many topics. I am a photographer and illustrator.

VIII. A. Provide names, addresses, and telephone numbers of three professional references other than those listed in Section VI. G.

Three professional references:

1. Garrett W. Palmer, Senior Judge, P.O. Box 92, Peru, IN 46970
Telephone: 765-472-4685
2. Jeffry K. Sinkovics, Attorney, 16 E. Fifth Street, Peru, IN 46970
Telephone: 765-472-4349
3. K. L. Stanley, Attorney, 16 E. Fifth Street, Peru, IN 46970
Telephone: 765-472-2434 or cell 765-438-8102

B. Provide names, addresses, and telephone numbers of three personal references other than those listed in VI. G.

Three personal references:

1. **Jeannette Meadows, former Chairman of the Miami County Republican Party, 2217 West Willow, Peru, IN 46970
Telephone: 765-472-7563**
2. **William C. "Bill" Friend, State Representative from District 23, Macy, IN 46951
Telephone: 765-469-3885**
3. **Linda Harp, P.O. Box 163, Mexico, IN 46958
Telephone: 765-863-0117**

C. List any lawsuits or legal proceedings in any jurisdiction, including bankruptcies and dissolutions, to which you have been a party. Provide dates, case numbers, names of other parties, and, if needed, a brief explanation.

History of lawsuits or legal proceedings in any jurisdiction, including bankruptcies and dissolutions, to which I have been a party, to-wit:

1. **Kaye Day v. Robert A. Spahr, Cause #52C01-9305-CT-00207, filed 05/13/1993; Day sued me alleging legal malpractice; no settlement paid; lawsuit dismissed.**
2. **Robert Spahr v. Karl M. Jacobs, Benton County, 1979-80, Partnership accounting sought; lawsuit dismissed.**
3. **I have filed fee collection cases occasionally against former clients. I have filed numerous guardianship and probate litigations as a petitioner throughout the 30+ years while as a sole practitioner in Peru, IN.**
4. **I am married to my wife, _____, and I have no former wives. We have been married for 40 years.**

D. If you ever have been arrested or cited for any violation of the law other than for routine traffic violations, provide dates, jurisdictions, and an explanation of the event and its resolution.

I have never been arrested for any misdemeanor or felony nor cited for any violation of the law. I have had routine traffic violations but mercifully few.

E. If you are or have been a member of the Bar of any other state, identify the jurisdiction and provide dates.

I have never been a member of the Bar of any state, other than Indiana

F. If you have been disciplined or cautioned, formally or informally, by the Indiana Supreme Court Disciplinary Commission, by the Indiana Commission on Judicial Qualifications, by the Indiana Supreme Court, or by similar entities in any other jurisdiction, identify each instance by date, case number if applicable, and describe the circumstances and the nature of the outcome or resolution.

I have never been disciplined professionally, formally or informally.

G. If you have any outstanding federal, state, or local tax obligations, please itemize and explain.

**I have no outstanding federal, state or local tax obligations based on a delinquency.
I have not paid the November 10th installment of real estate taxes for tax year
2009 payable in 2010 but will do so in a timely fashion and before they are due.**


IX. A. Attach a recent statement from your physician describing your general physical condition.

B. Within the past three years, have you been diagnosed or treated for an emotional or mental condition or illness, including any condition that involves treatment for drug or alcohol use? If so, provide the dates of assessment and/or treatment and the names and addresses of your doctors or other treatment providers.

C. Are you able to perform the essential functions of Justice on the Indiana Supreme Court, with or without accommodation?

I am able to perform the essential functions of Justice on the Indiana Supreme Court.

JUNE 14, 2010
DATE


APPLICANT'S SIGNATURE

ROBERT A. SPARR
PRINTED NAME

WAIVER AND STATEMENT OF CONSENT

The undersigned applicant authorizes the release to the Indiana Judicial Nominating Commission or its staff or agents any records, reports, and documents, whether or not otherwise confidential, which may be requested by the Commission in the performance of its evaluations of candidates pursuant to I.C. § 33-27-3-2. The scope of this authorization extends to, but is not necessarily limited to, requests from the Commission for Federal, State or local tax records, criminal and driving histories from any jurisdiction, attorney and judicial disciplinary records from any jurisdiction, whether pending or closed, and credit reports and histories. The undersigned releases and discharges the Judicial Nominating Commission, its individual members, its employees, agents and representatives, the Indiana State Police, the Indiana Department of Revenue, the Indiana Supreme Court Disciplinary Commission and any other agency or person or their agents or representatives providing information to the Commission from any and all liability arising from the furnishing and use of information concerning the undersigned applicant.

The undersigned agrees and understands that the Indiana Judicial Nominating Commission or its members, agents, or employees, may interview or otherwise consult with members of the legal, judicial, and general community concerning the professional qualifications and the integrity of the applicant, that the name of the applicant will be released by the Commission upon its receipt of the application and this waiver, and that if, pursuant to I.C. § 33-27-3-2(d), the applicant is given further consideration as a candidate after the Commission's initial screening of candidates, or if no such screening occurs and all applicants are considered, the application will be made public. This waiver does not constitute an election by the applicant pursuant to I.C. § 33-27-3-2(g)(3)(C) to authorize the release of investigatory records which are excepted from public inspection pursuant to I.C. § 33-27-3-2(g)(1) and (2).


The undersigned agrees to immediately supplement this application upon any event or circumstance substantially affecting any answer provided in the application.

The undersigned acknowledges having read the Instructions attached to the application.

The undersigned agrees to resign from office or membership in any political organization upon submission of this application.

The undersigned affirms that, if nominated by the Judicial Nominating Commission to the Governor and thereafter appointed to this judicial office, the candidate will accept the appointment.

JUNE 14, 2010
DATE


APPLICANT'S SIGNATURE
ROBERT A. SPAHR
PRINTED NAME